

# **EXHIBIT A**


## Nicole Vandewalker

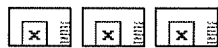
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**From:** Mark R. Suter <msuter@bm.net>  
**Sent:** Tuesday, April 26, 2022 4:34 PM  
**To:** Alyson Beridon; Nicole Vandewalker  
**Subject:** Fwd: Varsity: Request for Extension on Expert Deadline

Begin forwarded message:

**Mark R. Suter / Associate**

 215.875.3021  201.647.6525



 1818 MARKET STREET, SUITE 3600  
PHILADELPHIA, PA 19103

**From:** Robert Falanga <Robert@falangalaw.com>  
**Date:** April 22, 2022 at 1:35:46 PM EDT  
**To:** "Eric L. Cramer" <ecramer@bm.net>, Joseph Saveri <jsaveri@saverilawfirm.com>, Ronnie Spiegel <rspiigel@saverilawfirm.com>, Kobelah Bennah <Kobelah@falangalaw.com>, Kevin Rayhill <krayhill@saverilawfirm.com>  
**Cc:** "Mark R. Suter" <msuter@bm.net>  
**Subject:** RE: Varsity: Request for Extension on Expert Deadline

Same consent from American Spirit as stated before.....

THANKS

~~Falanga & Chalker~~

Robert A. Falanga, Esq.  
11200 Atlantis Place  
Suite C  
Alpharetta, Georgia 30022  
(770) 955-0006  
Falangalaw.com  
[Robert@FalangaLaw.com](mailto:Robert@FalangaLaw.com)



**From:** Eric L. Cramer <ecramer@bm.net>

**Sent:** Friday, April 22, 2022 12:22 PM

**To:** Joseph Saveri <jsaveri@saverilawfirm.com>; Robert Falanga <Robert@FalangaLaw.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Kobelah Bennah <Kobelah@FalangaLaw.com>; Kevin Rayhill <krayhill@saverilawfirm.com>

**Cc:** Mark R. Suter <msuter@bm.net>

**Subject:** RE: Varsity: Request for Extension on Expert Deadline

Folks,

In light of the news that we will be receiving Nfinity and possibly Rebel apparel data, **we think we need to kick the expert schedule out a bit longer than I had originally proposed (seek a 5 plus week extension instead of a 4 week extension).** This new proposal still does not cause any court filing deadline to change.

So my new proposal would be:

Move the opening expert deadline from May 18 to June 27

Move the opposing expert deadline from July 13 to August 22

Move the rebuttal expert deadline from September 12 to October 19

Move the expert deposition deadline from October 12 to November 11

**Keep the rest of the dates in the schedule as is,** including the class motion and brief due November 16.

So no filing deadlines with the court would move under my proposal.

Do the other plaintiff groups agree? I'd like to present this to Defendants today.

--Eric

**Eric L. Cramer / Chairman**

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☎1818 MARKET STREET, SUITE 3600  
PHILADELPHIA, PA 19103

**From:** Eric L. Cramer  
**Sent:** Thursday, April 21, 2022 11:06 AM  
**To:** Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Robert Falanga <[Robert@FalangaLaw.com](mailto:Robert@FalangaLaw.com)>; Ronnie Spiegel <[rspiegel@saverilawfirm.com](mailto:rspiegel@saverilawfirm.com)>; Kobelah Bennah <[Kobelah@FalangaLaw.com](mailto:Kobelah@FalangaLaw.com)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>  
**Cc:** Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>  
**Subject:** RE: Varsity: Request for Extension on Expert Deadline

Ok, thx.

To be clear, I'm not proposing more time for Dfts.

The schedule currently has a long gap between rebuttal expert reports and the filing of the class motions. I'm proposing simply to eat into that gap, which is overlong anyway and I don't think we need it. I'm really just proposing to move the entire expert discovery period back 30 days, with nothing else changing. Happy to discuss it.

So my proposal is:

Move the opening expert deadline from May 18 to June 15

Move the opposing expert deadline from July 13 to August 10

Move the rebuttal expert deadline from September 12 to October 10

Move the expert deposition deadline from October 12 to November 9

Keep the rest of the dates in the schedule as is, including the class motion and brief due November 16

So no filing deadlines with the court would move under my proposal.

**From:** Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>  
**Sent:** Thursday, April 21, 2022 10:54 AM  
**To:** Eric L. Cramer <[ecramer@bm.net](mailto:ecramer@bm.net)>; Robert Falanga <[Robert@FalangaLaw.com](mailto:Robert@FalangaLaw.com)>; Ronnie Spiegel <[rspiegel@saverilawfirm.com](mailto:rspiegel@saverilawfirm.com)>; Kobelah Bennah <[Kobelah@FalangaLaw.com](mailto:Kobelah@FalangaLaw.com)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>  
**Cc:** Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>  
**Subject:** Re: Varsity: Request for Extension on Expert Deadline

I am checking with our experts and team. I would not do this in exchange for more time for them.

Give me 24 hours to catch up with everyone

Joseph R. Saveri  
Joseph Saveri Law Firm, LLP

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**From:** Eric L. Cramer <[ecramer@bm.net](mailto:ecramer@bm.net)>  
**Sent:** Thursday, April 21, 2022 8:39:52 AM  
**To:** Robert Falanga <[Robert@FalangaLaw.com](mailto:Robert@FalangaLaw.com)>; Ronnie Spiegel <[rspiegel@saverilawfirm.com](mailto:rspiegel@saverilawfirm.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Kobelah Bennah <[Kobelah@FalangaLaw.com](mailto:Kobelah@FalangaLaw.com)>; Kevin Rayhill

<krayhill@saverilawfirm.com>

**Cc:** Mark R. Suter <msuter@bm.net>

**Subject:** RE: Varsity: Request for Extension on Expert Deadline

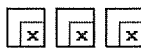
Robert, understood, and thanks. We will tell the defendants that your consent to our request is without prejudice to, and separate and apart from, your separate extension request.

Joe/Ronnie/Kevin: what say you?

--Eric

**Eric L. Cramer / Chairman**

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**From:** Robert Falanga <Robert@FalangaLaw.com>

**Sent:** Thursday, April 21, 2022 10:37 AM

**To:** Eric L. Cramer <ecramer@bm.net>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Kobelah Bennah <Kobelah@FalangaLaw.com>; Kevin Rayhill <krayhill@saverilawfirm.com>

**Cc:** Mark R. Suter <msuter@bm.net>

**Subject:** RE: Varsity: Request for Extension on Expert Deadline

Eric:

The American Spirit Plaintiffs have already filed a Motion for extending the scheduling order in our case. We are hoping to get 4-6 months of additional discovery which would put our case on a different scheduling track than the Fusion and Jones case. The basis of our request has to do with the court taking 322 days to decide the defendants motion to dismiss regarding school uniforms, camps, competitions, athletic equipment and graduation regalia. The court recently ruled in our favor on those items. Because we were under a stay order for any discovery regarding those items during the pendency of the motion to dismiss, our argument is that we are now entitled to commence discovery on those items and are entitled to additional time for that discovery and depositions.

Therefore, we can consent to your request, but don't want the court to say "well you agreed with the other plaintiffs that all you needed was thirty (30) days for your additional discovery requests. Hopefully I'm articulating our position per your request.

Any questions, call or email me.

THANKS

*Robert Falanga*  
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**From:** Eric L. Cramer <[ecramer@bm.net](mailto:ecramer@bm.net)>

**Sent:** Thursday, April 21, 2022 10:20 AM

**To:** Ronnie Spiegel <[rspiegel@saverilawfirm.com](mailto:rspiegel@saverilawfirm.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Robert Falanga <[Robert@FalangaLaw.com](mailto:Robert@FalangaLaw.com)>; Kobelah Bennah <[Kobelah@FalangaLaw.com](mailto:Kobelah@FalangaLaw.com)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>

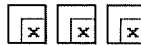
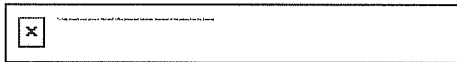
**Cc:** Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>

**Subject:** RE: Varsity: Request for Extension on Expert Deadline

Just following up on this...Please let me know where you stand on this or whether a call is in order. Thx.

**Eric L. Cramer / Chairman**

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PHILADELPHIA, PA 19103

**From:** Eric L. Cramer

**Sent:** Wednesday, April 20, 2022 4:05 PM

**To:** Ronnie Spiegel <[rspiegel@saverilawfirm.com](mailto:rspiegel@saverilawfirm.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Robert Falanga <[Robert@FalangaLaw.com](mailto:Robert@FalangaLaw.com)>; Kobelah Bennah <[Kobelah@FalangaLaw.com](mailto:Kobelah@FalangaLaw.com)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>

**Cc:** Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>

**Subject:** Varsity: Request for Extension on Expert Deadline

**Importance:** High

Folks,

We think an extension on the expert deadline from May 18 to June 15 is in order given that (a) defendants have continued to produce documents in April, (b) the parties have taken multiple depositions in April, and (c) the parties have been given leave to take several depositions in May, including the deposition of the founder and former CEO of Varsity (Webb). The parties will want their

experts to have an opportunity to incorporate materials produced during the end of discovery and from recent and upcoming depositions in their reports, which would not be possible under the current schedule.

We also think this extension could happen without moving the deadline for filing class motions, which is now November 16.

So my proposal would be:

Move the opening expert deadline from May 18 to June 15

Move the opposing expert deadline from July 13 to August 10

Move the rebuttal expert deadline from September 12 to October 10

Move the expert deposition deadline from October 12 to November 9

Keep the rest of the dates in the schedule as is, including the class motion and brief due November 16

So no filing deadlines with the court would move under my proposal.

**Do the other plaintiffs' groups agree? Please let me know by tomorrow so I can bring this to defendants for a meet and confer.**

Thanks,

Eric

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